FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5371 OF 2003
IN
CRIMINAL REVISION APPLICATION NO.494 OF 2003

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.J.G.Bhanushali & Karan Mehta for the applicant.

Mr.S.S.Pednekar, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 09/1/2006.

P.C.

1. The Advocate for the applicant states that this application has been disposed of. He further states that all reliefs sought in this application were granted in the main application vide order dated 31.12.2003. In the circumstances, present application does not survive and the same is disposed of.

CRIMINAL REVISION NO.494 OF 2003

1. This is a revision application

impugning the conviction under Section 138 of the Negotiable Instruments Act. The Trial Court convicted the accused and sentenced him to suffer R.I. for one year and to pay a compensation of Rs.5,42,000/-. Out of the compensation amount, an amount of Rs.2,71,000/- was directed to be given to the complainant. Against the said order the applicant filed an appeal before the Sessions Court and the Sessions Court maintained the conviction on the basis of the evidence but by taking lenient view reduced the sentence to R.I. for 3-months. The compensation amount was also reduced to Rs.2,71,000/-. On perusing the impugned judgment and order, it is clear that all the technical requirements of Section 138 were complied with in time. The applicant had purchased the flat by giving a post dated cheque and had taken the possession of the flat. He has set up the defence that he had paid Rs.1,20,000/- in cash. This defence

has been disbelieved by both the courts. I find no reason to interfere in the impugned judgment and order. The impugned judgment and order cannot be said to be perverse. Hence, application is rejected.

(R. S. MOHITE, J.)